

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

JERRY POINDEXTER,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO.
)	
v.)	
)	On removal from the State Court of
AUTO-OWNERS)	Tift County, Civil Action
INSURANCE COMPANY,)	File No. 2021CT0116
RDJ TRUCKING, LLC,)	
RICHARD JONES, ABC)	JURY TRIAL DEMANDED
CORP., XYZ CORP., and)	
JOHN DOE,)	
)	
Defendants.		

NOTICE OF REMOVAL

COMES NOW, Auto-Owners Insurance Company and RDJ Trucking, LLC (“Defendants”), Defendants in the above styled action, and within the time prescribed by law files this Notice of Removal and respectfully shows the Court the following facts:

1.

Plaintiff commenced this action by filing his Complaint on August 31, 2021 in the State Court of Tift County, which is a county within the Valdosta Division of this Court. The suit is styled as above and numbered civil action file number 2021CT0116 in that Court. Defendant RDJ Trucking was served with a copy of the suit on September 3, 2021. Defendant Auto-Owners was served with a copy of the

suit on September 15, 2021. The Notice of Removal is filed within the 30 days of Defendants' receipt of the suit and is thus timely.

2.

Plaintiff in the aforesaid case is a resident and citizen of the State of Arkansas. (*See* Plaintiff's Complaint, ¶ 1).

3.

Defendant Auto-Owners is a Michigan corporation with its principal place of business in the State of Michigan. Defendant Auto-Owners is not a citizen of the State of Georgia, and was not a citizen of the State of Georgia on the date of filing of the aforesaid civil action and has not been thereafter. (*See* Plaintiff's Complaint, ¶ 4).

4.

Defendant RDJ Trucking is an Iowa limited liability company with its principal place of business in the State of Iowa. Defendant RDJ Trucking and its members are not citizens of the State of Georgia and were not citizens of the State of Georgia on the date of filing of the aforesaid civil action and has not been thereafter. (*See* Plaintiff's Complaint, ¶ 2).

5.

Defendant Richard Jones is a resident and citizen of the State of Iowa. (*See* Plaintiff's Complaint ¶3).

6.

Complete diversity exists between Plaintiff and Defendants in accordance with 28 U.S.C. §1332 (a)(1).

7.

The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

8.

Plaintiff allege that he suffered, and continues to suffer, injuries to his body and pain and suffering as a result of a September 2, 2019 motor vehicle accident. Plaintiff also alleges that he sustained a 6% permanent disability rating to his right upper extremity, has incurred \$48,883.91 in past medical expenses, and has suffered past and future lost wages as a result of the incident. (*See* Plaintiff's Complaint, ¶¶ 29, 31). Plaintiff also seeks punitive damages. (*See* Plaintiff's Complaint, ¶ 31). Although Defendants deny any wrongdoing, the allegations of injuries and damages sought in the Complaint are similar to those other actions in which other plaintiffs have sought and recover damages in excess of \$75,000. Thus, given the allegations of Plaintiffs' Complaint, the amount in dispute in this matter will exceed the jurisdictional requirement of \$75,000.

9.

This case is a civil action that may be removed to this Court pursuant to 28

U.S.C. § 1441. This court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) and (b) because there is complete diversity of citizenship between Plaintiff and Defendant and, as shown above, the amount in controversy exceeds \$75,000. Further, as required by 28 U.S.C. § 1441(b), no Defendant is a citizen of the State of Georgia.

10.

Pursuant to 28 U.S.C. § 1446(a), Defendants have attached hereto copies of all process, pleadings, and orders served upon them in this case, such copies being marked “Exhibit A”.

11.

Defendants submit this Notice of Removal without waiving any defense to the claims asserted by Plaintiffs or conceding that Plaintiff has pled claims upon which relief can be granted. Defendants specifically reserves the right to assert, if applicable, any and all defenses enumerated under Rule 12 of the Federal Rules of Civil Procedure or any other affirmative defenses, including those enumerated under Rule 8(c) of the Federal Rules of Civil Procedure, upon the filing of its responsive pleadings within the time allotted under the Federal Rules of Civil Procedure.

12.

Defendants have given written notice of the filing of this Notice of Removal to Plaintiffs by notifying their attorney of record, Michael E. Gumprecht, The

Gumprecht Law Firm, 125 Townpark Drive, No. 300, Kennesaw, GA 30144.

Defendants have also filed a written notice with the Clerk of the State Court of Tift County, a copy of said notice being attached hereto and made in part hereof.

WHEREFORE, Defendants pray that the case be removed to the United States District Court for the Middle District of Georgia, Valdosta Division.

This 1st day of October, 2021.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Gillian S. Crawl

Mike O. Crawford

Georgia Bar No.: 194165

Gillian S. Crawl

Georgia Bar No.: 654746

Attorneys for Defendants

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CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a true and accurate copy of ***NOTICE OF REMOVAL*** with the Clerk of Court using the CM/ECF System. The clerk will serve opposing counsel as follows:

Michael E. Gumprecht
The Gumprecht Law Firm
125 Townpark Drive
No. 300
Kennesaw, GA 30144
michael@galawfirm.com
Attorney for Plaintiffs

This 1st day of October, 2021.

SWIFT, CURRIE, McGHEE & HIERS, LLP

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